Least Restrictive Environment in Schools: An Examination of the Principle and Survey of Essential Services for Student Success

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**Introduction**

Special education in public schools in the United States is closely guided by a piece of federal legislation known as the Individuals with Disabilities Education Act (IDEA), the latest update being done in 2006. Central to this statute is the concept of Least Restrictive Environment (LRE), which states that: “To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” (IDEA 2006, TITLE I / B / 612 / a / 5)

In essence, the law states that a child with a disability must be educated in an environment as close to that as their nondisabled peers as possible. For some children, this means participating in what would be termed a general education class, or the typical classroom with a few supports as possible. For others the LRE may be a special session with a special education teacher outside of general class time. For still others the LRE may mean placement in a separate classroom or separate school, due to the nature or severity of their disabilities. This arc of services from least restrictive to most restrictive is termed the “continuum of placement”, which exists in order to ensure that a team of professionals considers the child’s needs fully when deciding in which setting a child will be educated. In principle, a team must consider a host of options from a general education class with no supplementary supports, on along the continuum before choosing to educate the child in a highly restrictive setting such as a separate school.

The most important tool in the special education profession is the child’s Individual Education Plan (IEP). This plan is an extensive document which summarizes the child’s abilities and needs, provides evidence of the team’s decision on placement and necessary support services which would ensure the child’s success in school. The IEP must be reviewed at a minimum of once every calendar year to determine placement and support services. Before changing placement, an IEP team must meet and discuss the child’s progress and needs, and then determine if the child needs a more restrictive or less restrictive placement.

This begs a number of questions, based on a child’s receiving supports and an appropriate education. Should not a child then move progressively less restrictive setting over time? When students are placed in more restrictive environments, do they in fact move to less restrictive environments?

In order to address these questions, the authors became interested in knowing what the rate of mobility from more restrictive to less restrictive environments was, and what student supports facilitated (and conversely, what lack thereof may prevent) the transition to a less restrictive environment. This research project focused on students attending the most restrictive public school environments for students with social/emotional disabilities in three special education cooperatives, Special Education Department of Lake County (SEDOL), the North Shore Special Education District (NSSED), the Niles Township District for Special Education (NTDSE) and North Shore School District #112.

**History and the Least Restrictive Environment Defined**

Educating a child with special needs in the least restrictive environment (LRE) possible is a concept that developed over time within the evolution of federal legislation regarding serving special needs children. This legislation arose out of the problem of children with special needs being excluded from school, in some cases, entirely. Schools lacked facilities to educate these children, as well as teachers with the necessary expertise to educate children with special needs(Crockett, 2000).

The concerns of a number of parent advocates that school districts were at best doing nothing to educate their children, and at worst, excluding their children from the opportunities for education, led to the pursuit of a number of legal cases which resulted in important federal mandates attempting to ensure an educational experiences for children with disabilities. Drawing inspiration from the twentieth century’s most important piece of civil rights legislation, Brown v the Topeka Board of Education, parent and legal advocates pursued educational rights for children with disabilities (McLaughlin, 2010). Two particular cases, the Pennsylvania Association of Retarded Citizens (PARC) v the Commonwealth of Pennsylvania and a case from Washington, D.C., Mills v the Board of Education, drew upon the arguments posited in Brown, utilizing the 14th Amendment of the Unites States Constitution as its base. Whereas Brown argued that skin color was the barrier to equal protection under the law, the lawyers in the PARC and Mills cases applied this concept to physical, cognitive and behavioral disabilities (Palley, 2009).

The result of this legislation was the 1975 Education for Handicapped Person’s Act, also known as PL 94-14 which essentially created the current delivery model for special education in this country. This goal of this act was to give education for all students, establish the process of developing a student’s Individual Education Plan (IEP), giving parents the right to have their children receive an education (Crockett 2000).

PL 94-142 also addressed the need for what is termed a continuum of placement services. This continuum would outline what would eventually be termed least restrictive environment (LRE). This describes a series of educational placement options, the least restrictive environment possible being a child with disabilities participating fully in a classroom with no supports necessary, the next being pulled out of the classroom for extra supports, then placement in a separate special education classroom, separate schooling and hospitalization(Fuchs, et al, 2010). The law mandated that decisions to move a child along this continuum be made by a team of professionals who would advocate for placement based on the individual needs of the child and the supports available to the school (Crockett, 2000)

LRE was given even more attention in the passing in 1997 of the Individuals with Disabilities Education Act (IDEA), and its update in 2004 (Crockett, 2000). All the essential pieces of 94-142 were kept in place, with special emphasis on the idea that the IEP team should always consider LRE in providing a child with services. The emphasis shifted toward a movement often termed mainstreaming or inclusion, which advocates placing a child as much as possible in an environment with their nondisabled peers (McLaughlin, 2010).

Nevertheless, there remains controversy as to what defines a child’s LRE. Some would argue that a student who is thriving in a highly restrictive environment, such as a separate day school would therefore be educated in their least restrictive environment (Crocket, 2000). However, the argument exists that each child should perhaps move through the continuum of placements. Therefore, a child being educated in a district’s most restrictive environment, upon proof of progress, should be allowed to move back up the continuum (Palley 2009). However, the law provides little guidance in regards to the issues surrounding LRE. Palley notes, “standards for providing the least restrictive environment remain judicially defined in inconsistent ways.” This can make it difficult for education teams to apply the principles of the law appropriately.

The primary concern for professionals, with the guidance of IDEA is to place the child in the most appropriate setting possible. The process established by the law, requires the team to review an IEP annually and determine placement (Crockett, 2000). There is increasing pressure, particularly since the passing of No Child Left Behind, to raise the standards for special needs students, to place them in the LRE (McLaughlin, 2010). The question arises, are educators trying to raise the bar for students and therefore help them achieve, or children with disabilities being held to an unfair standard?

When considering the educational setting for a child with disabilities, the team must consider the supports necessary for that child to be successful (Source) in that setting. This is intended to be a well thought out process, “in which a wide array of variables need to be taken into consideration” (Moore 2008). This can be a tricky process because “placement or setting can be facilitating or restrictive, depending on …settings that comprise a given context” (Rueda, et al 2000). An example of this problem is presented in the following hypothetical: If a child with a learning disability would be placed in what is technically a less restrictive setting such as a regular classroom, but does not receive supports that may be necessary for that child to thrive in that classroom, the setting therefore becomes, in theory, more restrictive for that child than placement in the technically more restrictive setting of a separate instructional classroom where that child would receive the individualized supports necessary to access curriculum successfully. Thus, “the IEP team is to determine what resources the student may need to reach the common outcomes” (McLaughlin, 2010).

The purpose of the study conducted by the authors was to survey educational professionals in an attempt to determine what supports were most needed for a child with a disability to thrive in a setting that is most like those of their nondisabled peers.

**Methodology**

The authors collected research data from their respective districts, Niles Township District for Special Education (NTDSE), North Shore School District #112 (NSSD112) as well as two special education cooperatives associated with NSSD 122: the North Shore Special Education District (NSSED), and the Special Education District of Lake County (SEDOL). The sample was taken from general and special education teachers, case managers, administrators, psychologists, and learning coordinators from each district. There were 36 total participants (3 teachers, 5 case managers, 18 administrators, 8 psychologists and 2 learning coordinators). Each participant was asked to describe his or her current position in the district. They were permitted to select one of the five options. Many of the respondents play more than one role for their district.

The data was collected through survey created by the authors. The authors created the survey via the online resource Survey monkey.com. The survey consisted of eight questions:

1. Please describe your current position
2. What percentage of your special needs students are served in each capacity?
3. What percentage of students would you say move from a more restrictive to a less restrictive environment in each setting?
4. What are the most important supports for student success in the LRE?
5. What supports does your school/district have to meet the needs of students with disabilities in the classroom?
6. At the school level, which professionals should be involved in the transition of a student to a less restrictive setting?
7. When transitioning a student to a less restrictive setting, which team members should communicate, and how often?
8. What is the most appropriate venue for this communication?

The participants were given one week to take the survey.

**Tables:**

Table 1

Table 2

Table 3

Table 4

Table 5

Table 6

Table 7

Table 8

**Results and Discussion:**

The survey received 36 responses, 90% of which were from administrators in the respective districts that were surveyed.

Results from questions 2-8 were compiled and the following summary and conclusions were drawn.

Table 2

With regards to the percentage of students served in each capacity across the continuum of placement from least restrictive, results indicated that students were served in each capacity, indicating and even distribution across the continuum of services. (Table 1)

Question 3: The percentage of students moving from a more restrictive to a less restrictive setting?

Most respondents indicated that there was little movement between settings across the continuum.

Question 4: What are the most important supports for students….

100% of respondents said that differentiated instruction was necessary, 80% responded that a special education teacher was necessary, 80% responded that research-based teaching materials, 83% responded that research based intervention materials were necessary, 89% responded that common planning time for teachers working with students was necessary. Supports such as teaching assistants, social work support, speech and language, reading and behavior specialists were perceived as somewhat necessary. Most respondents felt that all the supports were at some level, somewhat necessary.

Question 5: What supports does your school/ district have to meet the needs of students with disabilities in the classroom?

Virtually all the respondent indicated that their schools had special education teachers, teaching assts, research based teaching materials and intervention materials, differentiated instruction, social work serves and speech/language pathologists available to serve their students with special needs. Resources such as common planning time for teachers and reading and behavior specialists were less common among respondents.

Question 6: At the school level, which professionals should be involved in the transition of a student to a less restrictive setting?

94% of respondents agreed that a special education teacher was essential67% responded that a school administrator should be involved and 58% responded that a resource special education teacher should be involved in all cases. 53% responded that a school psychologist should be involved on a case by case basis, 64% stated that a social worker should be involoved on a case by case basis, and 58% responded that the school principal should be involved on a case-by case basis.

Question 7: When transitioning a student to a less restrictive setting, which team members should communicate, and how often? And Question 8: What is the most appropriate venue for this communication?

100% of respondents stated that the teachers involved in a student’s transition to LRE should communicate weekly, 58% stated that psychologists or social workers should be involved in the communication weekly, and 64% responded that special education coordinators/case managers should communicate weekly. With regards to a building level administrators involvement, 72% responded that they should communicate with the team monthly. The vast majority of respondents, 81%, stated that the communication should be face-to-face.

**Conclusions:**

* Limited movement across setting
* Agreement as to the most important supports
* Agreement as to who, how often and how professionals should communicate when transition across LRS.

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